

Decision 01-10-021 October 10, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Santa Clara Valley Transportation Authority (VTA), for an order authorizing the VTA to: Construct a new SB101/NB85 Connector Overhead from Southbound US-101 to Northbound SR-85 over the Union Pacific Railroad Mainline Track On the E Coast Line and the Right of Way of the Union Pacific Railroad Company in the City of San Jose, Santa Clara County, State of California.

Application 01-03-039
(Filed March 9, 2001)

O P I N I O N

The Santa Clara Valley Transportation Authority (VTA) requests authority to construct a new direct freeway-to-freeway connector from southbound US 101 to northbound State Route (SR) 85, at separated grades above the tracks of the Union Pacific Railroad Company (UP) in the City of San Jose, in Santa Clara County. The proposed railroad overhead will consist of two lanes of traffic, be parallel to, but separate from SR 85 at this location, at PUC Crossing Number 001E-60.3-A on State Route 85 and will be referred to as the 101-85 Connector. The 101-85 Connector is a small segment of the much larger project of widening US 101 from Bernal Road in the north, to Cochrane Road in Morgan Hill to the south, from four to eight lanes.

The Santa Clara County ½-cent sales tax program, more commonly known as “1996 Measure B Transportation Improvement Program,” which provides

supplemental funds to improve County transit infrastructure, is funding this project.

The section of southbound US 101, which includes the 101-85 Connector, is currently three lanes, narrowing down to two lanes at Bernal Road, just 300 feet to the south. The current freeway-to-freeway access is to exit US 101, and then onto SR 85 via surface streets. The existing ramp system experiences traffic delays due to the high volumes exiting to Bernal Road. The proposed 101-85 Connector will also provide relief to congestion and queuing on US 101. A map of the project vicinity is set forth as Appendix A.

The new overhead will have two lanes over UP's double track main line. The existing SR 85 will remain open during construction. Temporary rerouting of vehicular traffic during construction will not be necessary. Rail traffic in this area is heavy, with approximately 184 train movements per week. The weekly train movements consist of approximately 72 freight trains, 56 AMTRAK passenger trains, and 56 Caltrain passenger trains, with speeds to 60 miles per hour. An illustration of the new overhead is included as Appendix B.

The new overhead will include sections cast in place, which will require 3.5 feet of falsework. Applicant has requested that necessary temporary falsework during construction to be at 21'-0". Upon completion of the proposed overhead, all falsework will be removed and the permanent structure will have clearances in accordance with PUC General Order 26-D.

The California Department of Transportation (Caltrans), acting by and through the California Transportation Commission, is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resource Code Sections 21000 et. seq. After preparation and review of an Environmental Impact Report (EIR), Caltrans approved the project. On May 8, 2001, Caltrans filed a CEQA Notice of Determination with the State

Clearinghouse stating that the potentially significant adverse environmental impacts associated with the project can be mitigated to below a level of significance.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or negative declaration prior to acting upon or approving the project (CEQA Guideline 15050(b)). The specific activities, which must be conducted by a responsible agency, are contained in CEQA Guideline Section 15096.

The Commission has reviewed the lead agency environmental documents. In considering this documentation we note that the EIR developed and evaluated a range of alternatives as well as a No Project Alternative. The EIR included an analysis of potential environmental impacts related to the project and alternatives, including impacts related to aesthetics, air quality, cultural resources, biological resources, water resources, hazardous wastes, transportation and noise. Safety and security, transportation, and noise are within the scope of the Commission's permitting process.

The EIR presented is for the entire 9.8 mile widening project. The Mitigation Monitoring Program adopted by the lead agency for the approved project did not identify environmental impacts related to safety and security or transportation.

Seven mitigation measures were adopted to eliminate or substantially lessen noise impacts, which would result from construction activities. The mitigation measures require the construction of soundwalls at specified locations along U.S. 101, the limitation of pile driving activity between specified daytime

hours, the operation of construction equipment according to certain specifications such as requiring the use of noise suppression devices and mufflers, siting of fixed and mobile equipment to minimize noise emissions during site preparation, grading and construction, and the placement and assessment of noise barriers along sensitive use areas, bridge crossings and receptor S1.

Under the Mitigation Monitoring Program VTA is responsible for implementation and Caltrans is responsible for oversight implementation.

We find that the lead agency adopted feasible mitigation measures to eliminate or substantially lessen the environmental impacts resulting from construction noise to a less-than-significant level.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division (RSCD) Traffic Engineering staff. The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 01-03-039 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3061 dated April 19, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's RSCD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3061.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the

otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on March 28, 2001. No protests have been filed.
2. VTA requests authority, under Public Utilities Code Sections 1201-1205, to construct two new lanes at separated grades above the tracks of the UP identified as 101- 85 Connector ramp, PUC Crossing Number 001E-60.3-A.
3. Public convenience and necessity require the construction of the southbound 101 to northbound 85 Connector in Santa Clara County.
4. Caltrans, acting by and through the California Transportation Commission, is the lead agency for this project under CEQA, as amended.
5. In approving the project, Caltrans filed a Notice of Determination with the State Clearinghouse stating that potentially significant adverse environmental impacts associated with the project can be mitigated to below a level of significance.
6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR and Notice of Determination.
7. Safety and security, transportation and noise are within the scope of the Commission's permitting process.
8. For the approved project the lead agency did not identify environmental impacts related to safety and security, and transportation.
9. With respect to significant noise impacts resulting from project construction activities, we find that the lead agency adopted feasible mitigation measures to eliminate or substantially lessen the impacts to a less-than-significant level.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Santa Clara Valley Transportation Authority (VTA) is authorized to construct a connector ramp at separated grades between northbound SR 85 and the tracks of the Union Pacific Railroad Company (UP) in Santa Clara County at the location as shown on the plans attached to the application, to be identified as 101-85 Connector PUC Crossing Number 001E-60.3-A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except during the period of construction, a vertical clearance of not less than 21 feet above top of rail shall be authorized and UPRR shall be authorized to operate with such reduced overhead clearance provided that instructions are issued by the railroad and filed with Commission's Rail Safety and Carriers Division (RSCD) limiting the height of loads beneath the structure.

3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement shall be filed by VTA with the Commission's Rail Safety and Carriers Division (RSCD) prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Final construction plans, approved by Caltrans and UP, shall be filed by VTA with RSCD prior to commencing construction.

6. VTA will inform the RSCD Traffic Engineering Section in writing within 30 days of the date of the completion of this project.

7. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

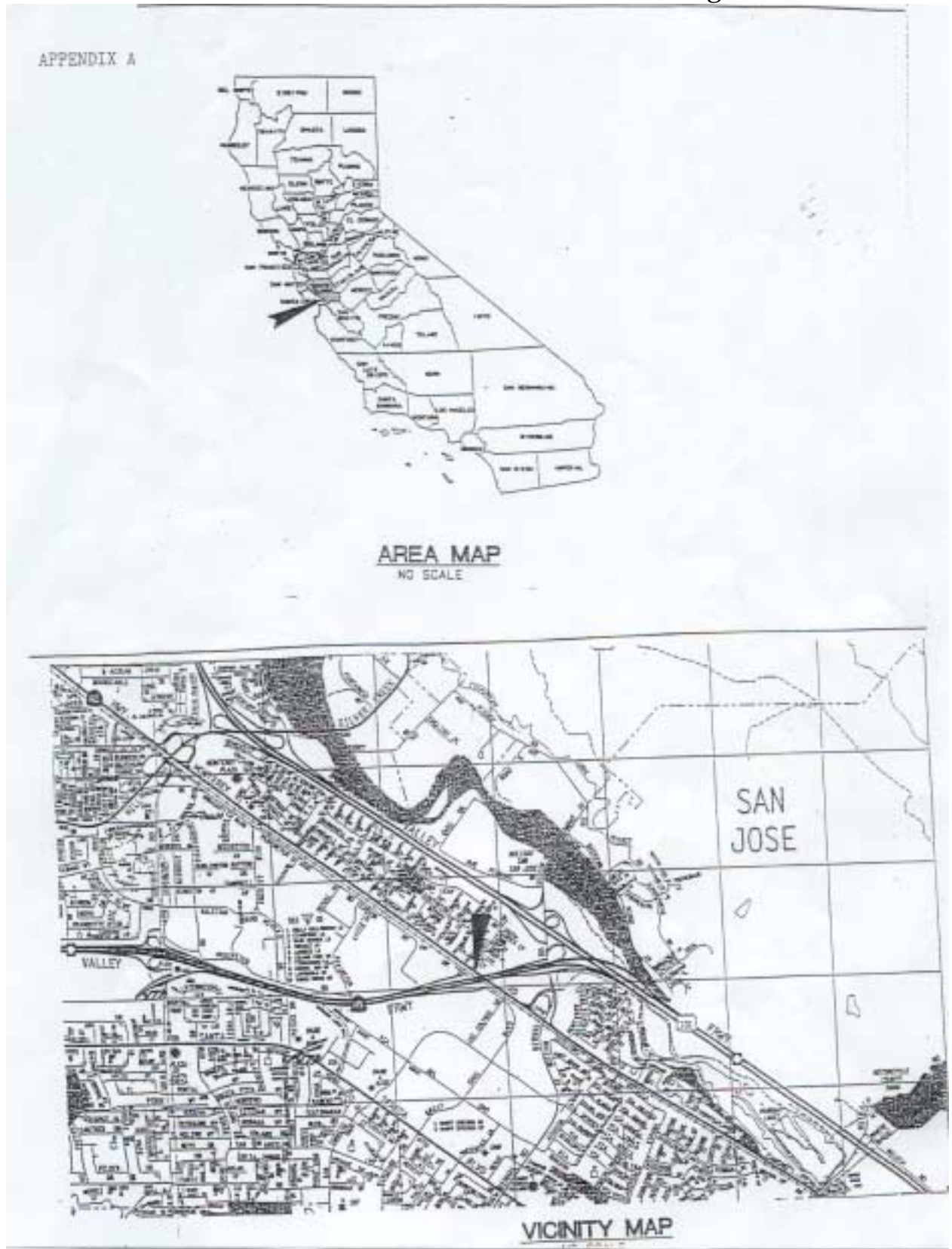
8. This application is granted as set forth above.

9. Application 01-03-039 is closed.

This order becomes effective 30 days from today.

Dated October 10, 2001, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F.BROWN





(End of Appendix A)

APPENDIX B

